

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,

8:15CV259

Plaintiff,

v.

**MEMORANDUM  
AND ORDER**

CHIEF EXECUTIVE OFFICER,

(John Doe), JOHN DOE 2, Jail

Officer, Officers working on 12-14-

2010 and 2-18-2011, Booking

Officers, JOHN DOE 3, Jail Officer,

Officers working on 12-14-2010 and

2-18-2011, Booking Officers, JOHN

DOE 4, Jail Officer, Officers working

on 12-14-2010 and 2-18-2011,

Booking Officers, and JANE DOE 5,

Jail Officer, Officers working on 12-

14-2010 and 2-18-2011, Booking

Officers,

Defendants.

This matter is before the court on its own motion. Plaintiff Billie Joe Chapman is a prisoner incarcerated at the Iowa Medical and Classification Center in Coralville, Iowa. He filed his Complaint in this court on July 17, 2015, but failed to include the \$400.00 filing and administrative fees. In addition, Chapman did not file a request to proceed *in forma pauperis* in this action. Regardless, the court would not grant such a motion unless Chapman showed he is under danger of serious physical injury, *see*

[28 U.S.C. §1915\(g\)](#), because Chapman is barred from proceeding *in forma pauperis* in the federal district courts.

Chapman is an experienced pro se litigant with an extensive history of filings in the federal district courts. As set forth in the Prison Litigation Reform Act, a prisoner cannot:

[B]ring a civil action . . . or proceeding [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\)](#).

The court has reviewed the United States Case/Party Index and finds that Chapman has, on three or more prior occasions, while incarcerated, brought an action in the federal district courts that was dismissed as frivolous or for failure to state a claim. *See Chapman v. Baldwin*, No. 4:14-cv-00065-REL (D. S.D.Ia. July 3, 2014) (dismissed as frivolous); *Chapman v. Craig, et al.*, 8:15-cv-00259-JFB-PRSE (D. S.D.Ia. July 3, 2014) (dismissed as frivolous); *Chapman v. McKinney, et al.*, No. 1:14-cv-00028-EJM (D. N.D. Ia. Aug. 25, 2014) (dismissed on statute of limitations grounds)<sup>1</sup>; *Chapman v. Parry-Jones, et al.*, No. 1:14-cv-00109-EJM N.D. Ia. Nov. 4, 2014) (dismissed on statute of limitations grounds).

IT IS THEREFORE ORDERED that:

1. Chapman has 30 days from the date of this Memorandum and Order to pay the court's \$400.00 filing and administrative fees or file a motion for leave to

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<sup>1</sup>A dismissal on statute of limitations grounds constitutes a dismissal for failure to state a claim. *See Jones v. Bock*, [549 U.S. 199, 215 \(2007\)](#) ("If the allegations . . . show that relief is barred by the applicable statute of limitations, the complaint is subject to dismissal for failure to state a claim[.]").

proceed *in forma pauperis* and show cause why he is entitled to proceed *in forma pauperis* in this action. In the absence of good cause shown, or the payment of the full filing fee, this action will be dismissed.

2. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: August 20, 2015: deadline for Plaintiff to show cause or pay full filing fee.

DATED this 20th day of July, 2015.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge